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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

In Re Ex Parte Application of

HO CHAN KIM,

Applicant.

Case No. 5:24-mc-80152-EJD

JOINT STIPULATION AND ~~PROPOSED~~
ORDER TO EXTEND GOOGLE LLC'S
DEADLINE RELATING TO MOTION TO
QUASH

Judge: The Honorable Edward J. Davila
Courtroom 4, 5th Floor
San Jose Courthouse
280 South First Street
San Jose, CA 95113

Pursuant to Civil Local Rules 6-2 and 7-12, Applicant Ho Chan Kim (“Applicant”) and Non-Party Google LLC (“Google”) (collectively, the “Parties”) hereby stipulate and agree as follows:

WHEREAS, on June 20, 2024, Ho Chan Kim filed an *Ex Parte* Application for an Order Pursuant to 28 U.S.C. § 1782 Authorizing Discovery for Use in a Foreign Proceeding (“Application”) for use by Ho Chan Kim in a foreign civil proceeding in Korea (ECF No. 1);

WHEREAS, on July 2, 2024, the Court issued its Order Granting in Part and Denying in Part *Ex Parte* Application for Order Permitting Discovery for Use in a Foreign Proceeding (“Order”), in which the Court ordered that “Google and each account user whose information is sought may file – no later than 30 days after service or notice – a motion to quash or modify the subpoena”.

WHEREAS, on July 9, 2024, Ho Chan Kim served on Google the Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (“Subpoena”);

WHEREAS, pursuant to the Order, the deadline for Google to file its motion to quash is August 8, 2024;

WHEREAS, on July 23, 2024, Google served objections to the Subpoena;

WHEREAS, on July 31, 2024, the Parties met and conferred about the Subpoena and discussed a potential resolution for the matter without judicial intervention, Google’s objections to the Subpoena, and the deadline before which Google must file a motion to quash in this matter;

WHEREAS, on August 5, 2024, the Parties agreed via email to the proposed joint stipulation to extend the deadline before which Google must file a motion to quash for one month;

WHEREAS, the Parties will continue to consider a potential resolution but they require additional time to finalize their discussions;

WHEREAS, although Google has already objected, it wants to preserve its ability to file a motion to quash, if necessary, pending the Parties’ efforts to resolve the matters;

WHEREAS, an extension would potentially avoid wasting the resources of the Parties and the Court, as the matter may be resolved without judicial intervention;

WHEREAS, the Parties therefore, in good faith, request that the Court extend the deadline for Google to file a motion to quash from August 8, 2024 to September 9, 2024, or on a date to be determined by this Court in its discretion;

WHEREAS, the requested modification will have no impact on the case schedule other than to extend Google's deadline to file a motion to quash;

WHEREAS, the Parties have made no prior requests for the Court to modify time in this case; and

WHEREAS, Google has filed a declaration in support of this stipulation as required under Local Rule 6-2(a).

IT IS SO STIPULATED.

Dated: August 7, 2024

Respectfully submitted,

BAKER & MCKENZIE LLP

By: /s/ Byron Tuyay

Byron Tuyay

Attorney for Non-Party GOOGLE LLC

Dated: August 7, 2024

TAITANO & TAITANO LLP

By: /s/ Carlos Makoto Taitano

Carlos Makoto Taitano

Attorney for Applicant HO CHAN KIM

FILER'S ATTESTATION OF CONCURRENCE

I, Byron Tuyay, pursuant to Local Rule 5-1(h)(i), attest that I am counsel for Non-Party GOOGLE LLC. As the ECF user and filer of this document, I attest that concurrence in the filing of this document has been obtained from its signatories.

Dated: August 7, 2024

BAKER & MCKENZIE LLP

By: /s/ Byron Tuyay

Byron Tuyay

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Date: August 8, 2024



Honorable Edward J. Davila
United States District Court Judge